(b) Does not arise.

(c) The CPWD takes due care with the assistance of manufacturers to ensure that lifts are maintained in good running condition.

(d) All Lifts and elevators under charge of CPWD are properly maintained including replacement of machines which have out lived their functional life.

Demonstration by CPWD Workers Union at Nirman Bhawan

† 3243. SHRI RAMA SHANKER KAUSKK : Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

(a) whether CPWD Workers' Union had demonstrated at Nirman Bhawan on 3rd February, 2003;

(b) if so, the reasons for such demonstration;

(c) whether Workers' Union and Government had entered into any agreement on 2nd December, 2002 and the Ministry of Labour had also issued any notification in this regard;

(d) if so, the details of agreement and notification; and

(e) Government's decision with regard to implementation of the agreement ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI PON RADHAKRISHNAN) : (a) Yes, Sir.

(b) The Union demanded to restore payment of over time wages to the CPWD workers under the provisions of Minimum Wages Act.

(c) and (d) Yes, Sir. The Workers Union and Government had entered into an agreement on 2nd December, 2002. The Ministry of Labour earlier issued a Notification S.O. No. 563 (E) dated 23-5-2002. The said Notification was subsequently withdrawn by that Ministry *vide* Notification S. O. No. 22(E) dated 8-1-2003. Copies of the agreement dated 2-12-2002 and Ministry of Labour's Notification dated 23-5-2002 and 8-1-2003 are enclosed at Statements I, II and III respectively *(See* below).

(e) The opinion of Ministry of Labour and the Ministry of Law was sought. Both the Ministries have opined that Section 14 of the Minimum Wages Act, 1948 shall be applicable to the workers of CPWD or any other

† Original notice of the question was received in Hindi.

Establishment engaged in scheduled employment only if they are in receipt of minimum wages fixed under the Act. Since this is not the case, overtime can not be paid as demanded by the Union.

Statement-I

Copies of the Notifications of the Ministry of Labour

File No. ND 8 (26)/2002 dated 2nd December, 2002.

Minutes of conciliation proceedings held between Central PWD Mazdoor Union and the management of CPWD held on 2-12-2002 at 11.00 A.M.

Parties are present as per attendance sheet. Discussion held in cordial atmosphere. The demand raised by the Union have discussed and following has been agreed between the parties:

MEMORANDUM OF UNDERSTANDING

I. Regarding Demand No. 1 CPWD authorities/Ministry of Urban Development and Poverty Alleviation have agreed to make a reference within five days to Ministry of Labour requesting for views of Ministry of Labour whether overtime wages/allowance is payable to work-charged or regular workers of CPWD engaged in Scheduled employment at double the rate of wages. The Union agreed to the proposal for referring the case to Ministry of Labour. The Union requested for arbitration or reference to adjudication, within one month from date of reference. However the management expressed its inability to agree for arbitration/reference to adjudication, in view of the notification dated 23-5-2002 of Ministry of Labour and decision of Hon'ble Supreme Court in 1998. The Union submitted that 1998 judgement may not be relevant in view of full bench judgement of the Apex Court.

II. Regarding Demand No. 2 the management will seek concurrence of DOPTfor grant of second financial upgradation to 'Mall under ACP Scheme in the scale of Rs. 3200-85-4900 as an interim measure. As regards demand of Union for pay scale for the post of 'Choudhury' to be revised in the scale of Rs. 4000-6000 the proposal will be referred to DOPT.

III.. Regarding Demand No. 3, a reference will be made to DOPT through Ministry of Labour with the recommendation to delink the need for trade test and licence from the financial upgradation under ACP

Scheme for the Khallasis' on principles of similarity with 'Peon' 'Beldars' etc. This reference will be made within a period of 10 days.

IV Regarding Demand No. 4 of the Union, the Union agreed to take up the demand separately and thus withdrawn.

V Regarding Demand No. 5 & 6 CPWD authorities agreed to examine the demand regarding regularization of 'daily rated' workers under 'Muster Roll', 'Hand Receipt' and 'Work Order' filling up of all resultant vacancies of workers working in the establishment of CPWD and take action as per rules.

VL In view of the above, the Union agreed not to resort to the proposed strike from 3-12-2002, 6.00 A.M.

Both the parties will abide by decisions.

Statement-II

THE GAZETTE OF INDIA

EXTRAORDINARY

PART II—SECTION 3—SUB-SECTION (ii)

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 23rd May, 2002

S.O. 563(E).—In exercise of the power conferred under sub-section 2 A of Section 26 of the Minimum Wages Act, 1948 (11 of 1948) read with Sub-Section B (i) of Section 2 ibid the Central Government hereby direct that the provisions of Section 2 (h). Section 14 of the Act and Rule 25 of the Minimum Wages (Central) Rules, 1950 shall not apply to the employees working in Work Charged Establishment and Regular Classified Establishment in the Central Public Works Department (CPWD) under Ministry of Urban Development and Poverty Alleviation having regard to the following :—

(a) These workers have not been engaged in any scheduled employment.

(b) Their wages have not been fixed or revised under the Minimum Wages Act, 1948.

[F.No. S-32021/1/2002-WC (MW)]

G. S. RAM, Labour and Employment Adviser.

Statement-Ill

THE GAZETTE OF INDIA EXTRAORDINARY PART n-SECnON-3 SUB-SECTION (ii) MINISTRY OF LABOUR NOTIFICATION New Delhi, the 8th January, 2003 SO. 22(E).—The Gazette Notification S.O. No. 563(E) dated 23-5-2002 published in the Gazette of India Extraordinary in Part II, Section 3(ii) and issued in exercise of power conferred under Section 26 (2 A) of the Minimum Wages Act, 1948 is hereby withdrawn.

[F.No. S-32021/1/2002-WC (MW)]

G. S. RAM, Labour and Employment Adviser.

Funds to Himachal Pradesh under NSDP

3244. SHRI ANIL SHARMA : Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

(a) the funds allocated to Himachal Pradesh under the National Slum Development programme during the last three years, year-wise and District-wise; and

(b) the number of slums developed and development activities undertaken in such slums of the stale during the said period alongwith details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI PON RADHAKRISHNAN) : (a) The details of the funds allocated by the Planning Commission to the State of Himachal Pradesh during the last three years under National Slum Development Programme (NSDP) are given below:—

(Rs. in lakhs)

Year	Amount allocated
2000-2001	110.00
2001-2002	110.00
2002-2003	104.00

District-wise data is not maintained since, Ministry of Urban Development and Poverty Alleviation monitors the implementation of the programme at the State level only.

(b) As per the information received from the State Government of Himachal Pradesh, under NSDP 255 slum pockets have been developed. The activities